

PATENT
Docket 23FLC31

RESPONSE UNDER 37 CFR 1.116
EXPEDITED PROCEDURE
ART UNIT 3643

REMARKS

Reconsideration of the above identified application is respectfully requested.

On 03/06/2006, the Board of Patent Appeals and Interferences (BPAI) reversed in full the final rejection of all claims 1-20 of record made by the examiner.

The Board noted the "rather imaginative rationale advanced by the examiner," unsupported by facts, evidence, and case law, thusly confirming the plethora of errors made by the examiner and his superiors in forcing this case to appeal.

This is the third reversal on appeal before the BPAI for the remarkable insect swatter disclosed in the parent application, and now in this improvement application, now thrice confirming the novelty and non-obviousness thereof.

The MPEP and case law presented therein are admirable for the stringent standards required of examiners in fairly and objectively examining claims in patent applications, and the present examiner's failure to provide factual and legal bases to support the rejections has now been confirmed.

The claims, therefore, are entitled to the remarkably broad scope thereof consistent with their allowance in original form, and consistent with the examiner's remarkably broad interpretation thereof through the odyssey of prosecution before the United State Patent and Trademark Office.

Since the claims now appear in condition for allowance, Applicant has amended para. 4 of the specification to identify the issued parent patent; and has amended para. 60 to conform with para. 21 and the figures.

And, a supplemental declaration is attached hereto for the claims as now presented.

Accordingly, prompt issuance of a Notice of Allowance is therefore requested to avoid further delay in the prosecution of this application.

Wednesday, March 15, 2006 2:43 PM

To: aRightFax-8300

From: Francis L. Conte, Esq., 781-592-4618

Page: 4 of 6

PATENT
Docket 23FLC31

RESPONSE UNDER 37 CFR 1.116
EXPEDITED PROCEDURE
ART UNIT 3643

Respectfully submitted,



Francis L. Conte

Date: 15 March 2006

6 Puritan Avenue
Swampscott, MA 01907
Tel: 781-592-9077
Fax: 781-592-4618

Attachment: Supplemental Declaration (2-pages)